

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #1692B
Wilderness Ridge Golf Course

DATE: October 2, 2002

SCHEDULED PLANNING COMMISSION MEETING: October 16, 2002

PROPOSAL: An amendment to the special permit for Wilderness Ridge Golf Course to add a note to the plan stating the sale of alcoholic beverages for consumption on the premises is included as part of the permit.

CONCLUSION: This request is consistent with the amendments proposed by CZ#3382 which amend the Zoning Ordinance to allow the sale of alcohol for consumption on the premises at golf courses and country clubs as an allowed accessory use upon receiving a special permit.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

LOCATION: Southwest of the intersection of South 27th Street and Yankee Hill Road.

APPLICANT/

OWNER: Wilderness Ridge, L.L.C.
PO Box 22296
Lincoln, NE 68542-2296
(402) 421-1627

CONTACT: Kent Seacrest
1111 Lincoln Mall Suite 350
Lincoln, NE 68508
(402) 435-6000

EXISTING ZONING: R-3 Residential with a special permit for a recreational facility.

EXISTING LAND USE: Golf course with a club house.

SURROUNDING LAND USE AND ZONING:

North:	Vacant (residential under development)	R-3
South:	Agricultural Production	AG
East:	Agricultural Production	AG
West:	Wilderness Park	AG

HISTORY: SP#1692 was approved on September 10, 1997 to allow Wilderness Ridge Golf Course.

ASSOCIATED APPLICATIONS: CZ#3382 - This application is a text amendment to the Zoning Ordinance to allow the sale of alcohol for consumption on the premises at golf courses and country clubs as an allowed accessory use upon receiving a special permit.

ANALYSIS:

1. This application was submitted with CZ#3382, and if approved will allow a note to be added to the plans for the Wilderness Ridge Golf Course stating that the sale of alcohol for consumption on the premises is allowed as an accessory use to the golf course.
2. CZ#3382 proposes amendments that revise two sections in the Zoning Ordinance to clearly state that on-sale alcohol is allowed as an accessory use to a golf course or country club. The first revision is to LMC Section 27.63.130 Permitted Special Use: Recreational Facility. This revision allows the sale of alcohol for consumption on the premises as an accessory use to a golf course or country club as part of the special permit for a recreational facility provided the applicable locational requirements of Section 27.63.680 have been met or waived by City Council.
4. The second amendment revises LMC Section 27.63.680 Permitted Special Use: Sale of Alcoholic Beverages for Consumption on the Premises. The amendment to the preamble of this section allows on-sale alcohol as an accessory use to a golf course or country club to be approved as part of the special permit for the facility. This allows the on-sale of alcohol to be reviewed concurrently with the recreational facility eliminating the need for a separate special permit. The second sentence of this amendment requires that a special permit be approved to allow the sale of alcohol in the districts where either recreational facilities are allowed by right, or the facility is a pre-existing use.
5. The amendment to Section 27.63.680 goes on to modify sub-paragraph (c) by replacing 'licensed premises' with 'designated area specified in a license issued under the Nebraska Liquor Control Act', and adds the exception that the setback from a residential district is not applicable where such use is accessory to a golf course or country club. This provision attempts to further define that the clubhouse is used for purposes of

measuring separation distance, and not greens and fairways. This accommodates those golf courses and country clubs that are located in residential districts and as a result cannot maintain the 100' separation.

6. If approved, this amendment is consistent with CZ#3382, and will result in a note being added to the plan for Wilderness Ridge Golf Course stating that the sale of alcohol for consumption on the premises is allowed as an accessory use. No other changes are requested.

OTHER DEPARTMENT REVIEWS:

Police: No objections. This review notes that historically the Police Department has not encountered problems on golf courses where alcohol is sold.

CONDITIONS:

Site Specific:

1. This approval permits the sale of alcohol for consumption on the premises as an accessory use to the Wilderness Ridge Golf Course subject to the approval of Change of Zone #3382.

General:

2. The permittee shall submit a final plan including 5 copies.

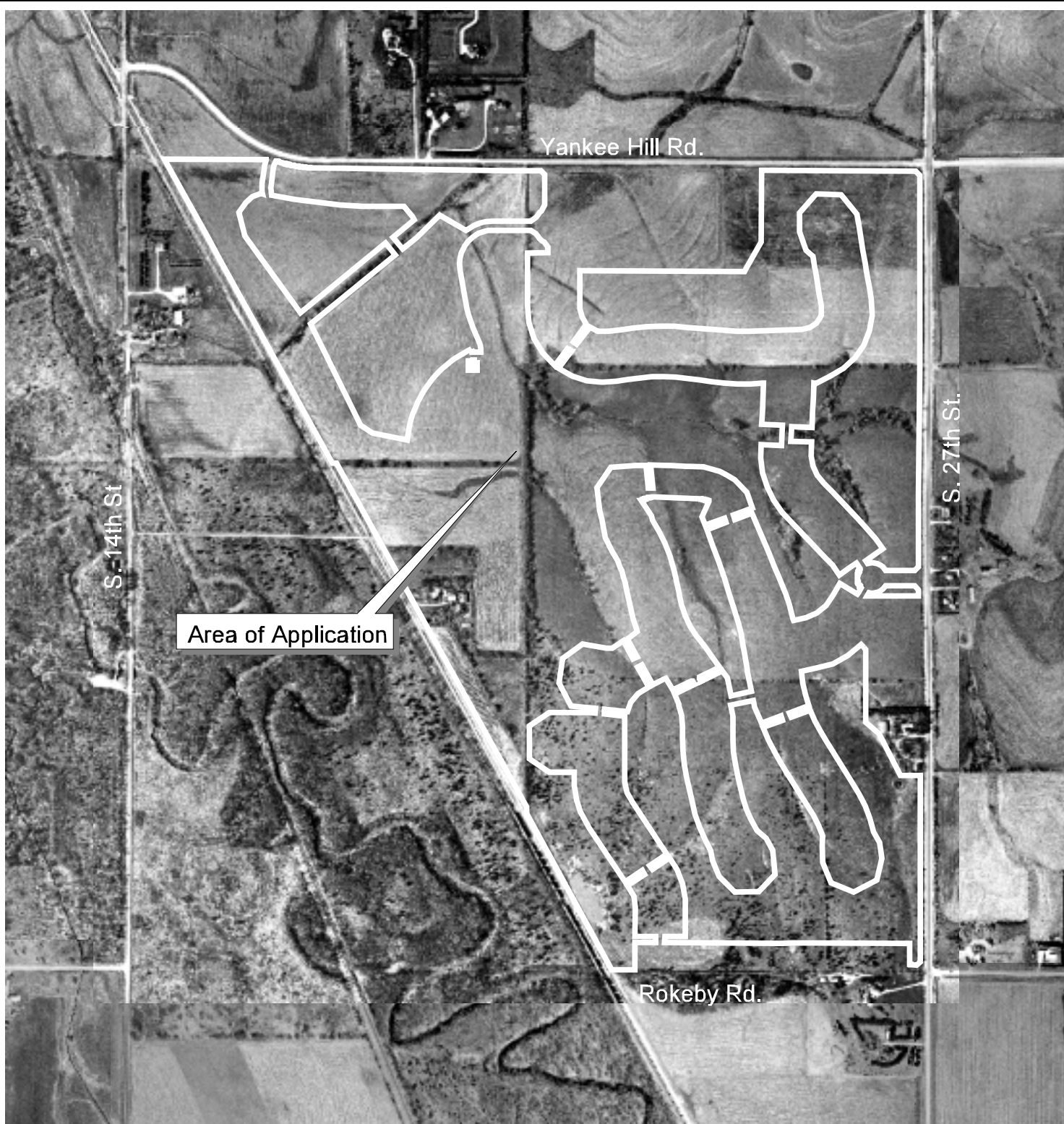
Standard:

3. The following conditions are applicable to all requests:
 - 3.1 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 3.3 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Brian Will
Planner

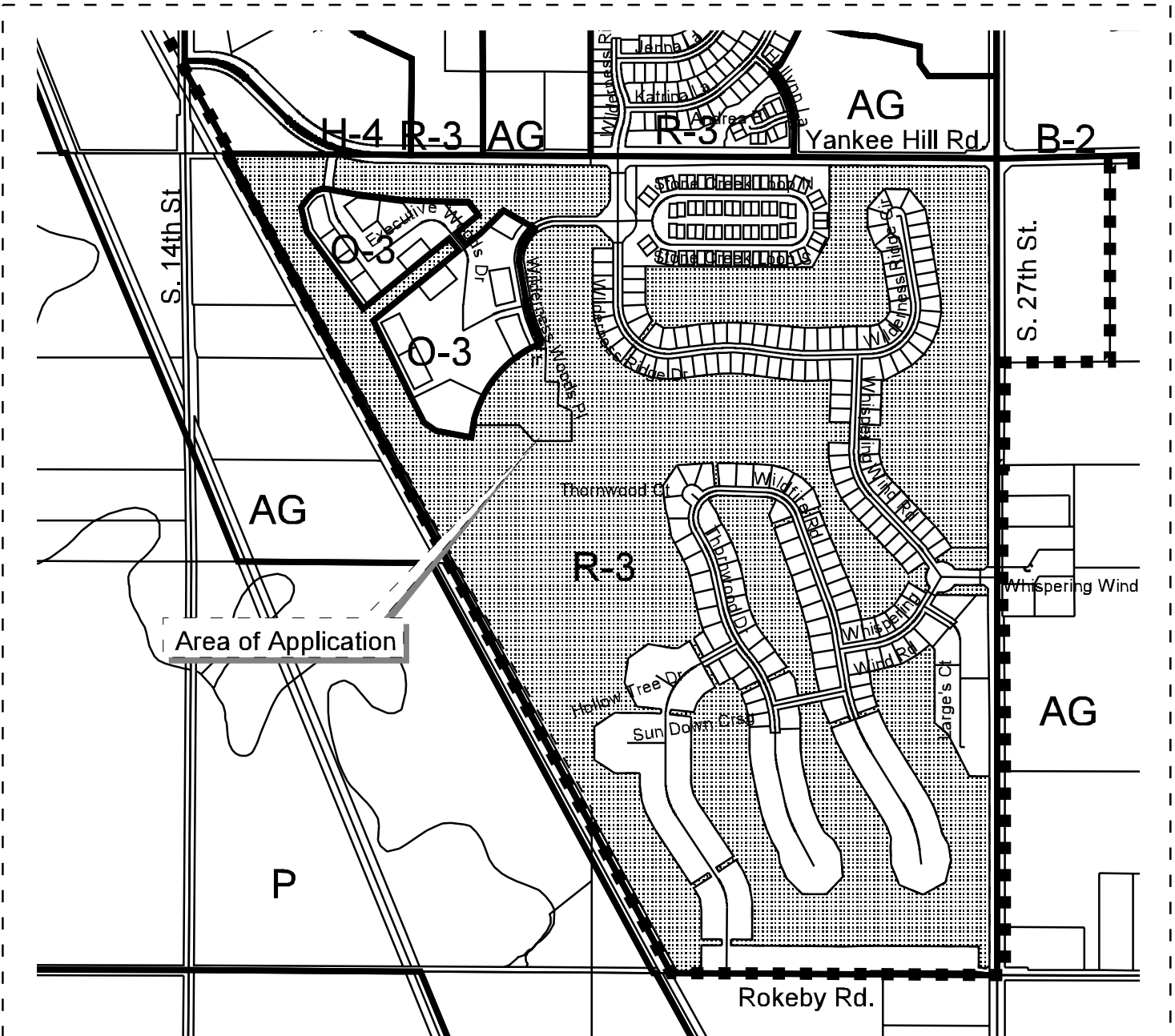


Special Permit #1692B
S. 27th & Yankee Hill Rd.
Wilderness Ridge



Photograph Date: 1999

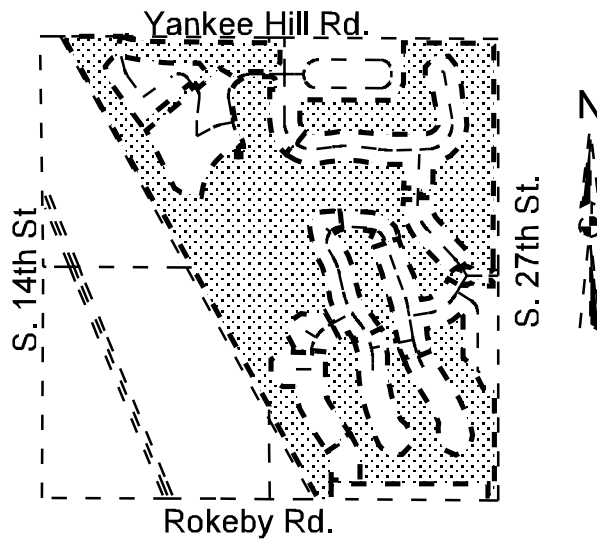
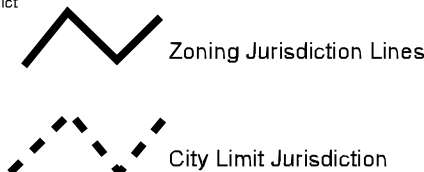
Lincoln City - Lancaster County Planning Dept.



Special Permit #1692B
S. 27th & Yankee Hill Rd.
Wilderness Ridge

- Zoning:**
- R-1 to R-8 Residential District
 - AG Agricultural District
 - AGR Agricultural Residential District
 - R-C Residential Conservation District
 - O-1 Office District
 - O-2 Suburban Office District
 - O-3 Office Park District
 - R-T Residential Transition District
 - B-1 Local Business District
 - B-2 Planned Neighborhood Business District
 - B-3 Commercial District
 - B-4 Lincoln Center Business District
 - B-5 Planned Regional Business District
 - H-1 Interstate Commercial District
 - H-2 Highway Business District
 - H-3 Highway Commercial District
 - H-4 General Commercial District
 - I-1 Industrial District
 - I-2 Industrial Park District
 - I-3 Employment Center District
 - P Public Use District

One Square Mile
 Sec. 25 T9N R6E



SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

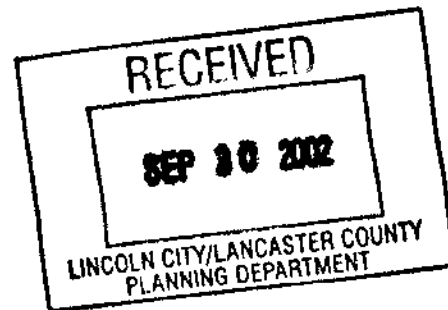
TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100
E-MAIL: cathie@sklaw.inetnebr.com

KENT SEACREST
DANAY KALKOWSKI

September 30, 2002

Brian Will
Planning Department
County-City Building
555 South 10th Street
Lincoln, NE 68508

Rick Peo
Assistant City Attorney
575 South 10th Street
Lincoln, NE 68508



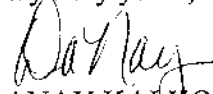
RE: Wilderness Ridge, L.L.C. Requested Amendment to Zoning Text

Dear Brian and Rick:

On September 19, 2002, our office submitted a request for a zoning text amendment to Lincoln Municipal Code § 27.63.130. In response to Kent's meeting with you on Friday, we are hereby amending our zoning text amendment request to include § 27.63.130 and 27.63.680. Enclosed please find two separate sheets which contain the requested amendment language. The amendments have been revised to limit the sale of alcoholic beverages for consumption on the premises to golf courses and country clubs, instead of including all recreational facilities.

Once you have had an opportunity to review the enclosed language, please call Kent or me if you have any comments or questions.

Very truly yours,


DANAY KALKOWSKI
For the Firm

cc: Carol Brown

27.63.130 Permitted Special Use: Recreational Facilities.

Recreational facilities may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, and B-3 zoning districts, in conformance with the following conditions:

(g) As part of the special permit for a recreational facility for a golf course or country club, the City Council may permit the sale of alcoholic beverages for consumption on the premises as an accessory use to the golf course or country club, provided the applicable locational requirements of Section 27.63.680 have been met or waived by the City Council.

27.63.680 Permitted Special Use: Sale of Alcoholic Beverages for Consumption on the Premises

Alcoholic beverages may be sold for consumption on the premises in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts upon the approval of a special permit. Alcoholic beverages may also be sold for consumption on the premises as an accessory use to a golf course or country club as part of a separate special permit under Section 27.63.130 approving the golf course or country club in any district where recreational facilities are allowed as a permitted use, permitted conditional use, or permitted special use. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and, unless waived by the City Council, the following conditions:

(a) Parking shall be provided on-site at the ratio of one space per 100 square feet of gross floor area.

(b) The sale of alcoholic beverages for consumption off the premises shall not be permitted without issuance of a separate special permit under Section 27.63.685 of this code.

(c) The licensed premises designated area specified in a license issued under the Nebraska Liquor Control Act of any building approved for such activity must be located no closer than 100 feet from a day care facility, a residential district (except where such use is accessory to a golf course or country club) or residential use, or, if a lesser distance, must mitigate any adverse effects of the reduction in distance through landscaping, screening, or other methods approved by the Planning Director.

SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100
E-MAIL: cathie@sklaw.inetnebr.com

KENT SEACREST
DANAY KALKOWSKI

September 19, 2002

HAND DELIVERY

Marvin Krout
Planning Director
County-City Building
555 South 10th Street
Lincoln, NE 68508

Re: Amendment to Zoning Text and Amendment to Special Permit #1692A

Dear Marvin:

Our office represents Wilderness Ridge, L.L.C., the owner of the Wilderness Ridge Golf Course and Club House facilities located south of Yankee Hill Road between South 14th Street and South 27th Street. The Wilderness Ridge Golf Course and Club House is permitted as a recreational facility in the R-3 zone under Special Permit 1692A. Wilderness Ridge is submitting two separate items for review.

First, Wilderness Ridge, L.L.C. is requesting an amendment to Lincoln Municipal Code § 27.63.130 which is the special permit section for recreational facilities. The amendment requested would allow the City Council, as part of the special permit process for recreational facilities, to permit the sale of alcoholic beverages for consumption on site as an accessory use to a recreational facility; provided the applicable locational requirements of § 27.63.680 have been met or waived by the City Council. The majority of the privately owned golf courses within the City of Lincoln are located in residential districts. Many of them, including Wilderness Ridge, have an approved liquor license in effect that allows for the sale of alcoholic beverages for consumption on site within the boundaries of the golf course and club house facilities. The proposed amendment simply puts into place the zoning authority for uses that already exist as part of recreational facilities in residential districts.

The second request is an amendment to Special Permit #1692A to add a note indicating that the sale of alcoholic beverages for consumption on the premises of the recreational facility is permitted as an accessory use to the recreational facility, provided the applicable locational requirements of § 27.63.680 have been met or waived by the City Council. The amendment will

also include a legal description of recreational facility which identifies the area covered by the Wilderness Ridge Golf Course and Club House.

The time frame for processing the above requests is very sensitive to Wilderness Ridge, L.L.C. While we have not had an opportunity to meet with Planning Staff to discuss the requests, we have had numerous discussions with the City Law Department and have specifically discussed the zoning text amendment language with Rick Peo in the City Attorney's Office. We are in the process of setting up a meeting with Planning Staff to discuss the requested amendments.

Enclosed herein please find the following:

1. 16 Site Plans (Sheets 1 and 2) for Special Permit 1692B
2. Application for Zoning Text Amendment and Special Permit Amendment
3. Application fee in the amount of \$780.00

An ownership certificate has been ordered from Union Title and will be delivered within the next few days. We look forward to discussing the above requests with the City. In the meantime, if you have any questions about the above requests, please feel free to call me or DaNay Kalkowski in our office.

Very truly yours,



KENT SEACREST
For the Firm

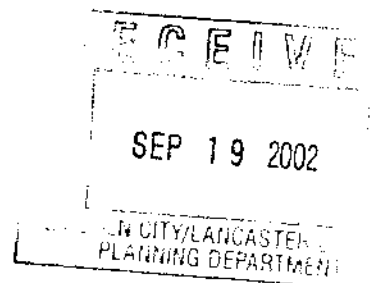
Enclosures
cc: Rick Peo
Ann Harrell

SUPERSEDED

27.63.130 Permitted Special Use: Recreational Facilities.

Recreational facilities may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, and B-3 zoning districts, in conformance with the following conditions:

(g) As part of the special permit for a recreational facility, the City Council may permit the sale of alcoholic beverages for consumption on the premises as an accessory use to the recreational facility, provided the applicable locational requirements of Section 27.63.680 have been met or waived by the City Council.



ADDED NOTE TO SPECIAL PERMIT 1692A:

The sale of alcoholic beverages for consumption on the premises of the recreational facility is permitted as an accessory use to the recreational facility, provided the applicable locational requirements of Section 27.63.680 have been met or waived by the City Council.

LEGAL DESCRIPTION OF RECREATIONAL FACILITY:

Outlots "A", "C", "F", "G", "H", "J" and "M", Wilderness Ridge Addition; Lot 1 and Outlot "A", Wilderness Ridge 1st Addition; and Outlot "B", Wilderness Woods Office Park Addition, all located in Lincoln, Lancaster County, Nebraska

RECEIVED

SEP 19 2002

CITY OF LANCASTER
PLANNING DEPARTMENT

Memorandum



To: Mr. Brian Will
From: Sergeant Michael S. Woolman #737
Date: September 30, 2002
Re: Wilderness Ridge SP 1692B / 1692A

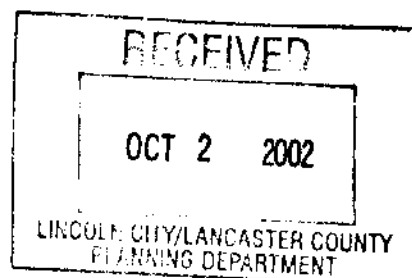
Mr. Will,

I have reviewed the Alcohol Sales Permit for the Wilderness Ridge Use Permit # 1692B and 1692A. The Lincoln Police Department has no objections to the sale of alcohol in the area covered by the Wilderness Ridge Club House.

The permit also requests approval to sell alcohol on the Wilderness Ridge Golf Course. Historically we have not encountered problems on golf courses where alcohol is sold.

A handwritten signature in cursive script, appearing to read "Michael S. Woolman".

Michael S. Woolman



LINCOLN NEBRASKA 2002

drawn by: DR, TWH
designed by:
checked by: MRJ
approved by: MRJ
project no.: 2000-0911
drawing no.: 400057
date: July 1999
revisions: 6/2/00

NOTE 28
9/22/00 Traffic
Circles Removed
11/21/00 Updated
Clubhouse Parking Layout
Approved by B & S dept.
12/12/01 New
Building Envelope
2nd Submitt. 01/03/02
Added Rev Cloud &
Notes for Building
Envelope and easement
02/27/02 Changed
3 lots into 2 larger lots
on Thornwood Ct.
2ND SUBMIT. 03/15/02
Added Rev. Clouds for
added lot amounts.
Added 5 lots to cloud A
Added 5 lots to cloud B
Added 6 lots to cloud C
05/29/02 Changed
Lot layout and added Rev.
Clouds for lot amounts.
Subtract 4 lots in cloud A
Subtract 5 lots in cloud B
Subtract 8 lots in cloud C
09/19/02
RECREATION FACILITY
BOUNDARY DEFINED

GRADING CERTIFICATION

BASE UPON THE BEST AVAILABLE INFORMATION AND ENGINEERING OPINION,
THE PROPOSED WILDERNESS RIDGE DEVELOPMENT SHOWN WITHIN THE
FEMA 100-YEAR FLOOD PLAIN (UNNUMBERED A ZONE) WILL NOT RESULT IN
MORE THAN A ONE FOOT RISE IN THE 100-YEAR WATER SURFACE ELEVATION.

LEGAL DESCRIPTION

LOT 1 LT., LOT 4 LT., LOT 9 LT., LOT 14 LT., LOT 18 LT., LOT 19 LT., LOT 21 LT., LOT
24 LT., LOT 27 LT., LOT 28 LT., LOT 29 LT., LOT 30 LT., THE NORTHWEST QUARTER
OF THE SOUTHEAST QUARTER (NW4/SEA), A PORTION OF THE NORTH HALF OF
THE SOUTH HALF OF THE NORTHWEST QUARTER, (N2/S2/SW4), ALL LOCATED IN
SECTION 25, AND LOT 62 LT., LOCATED IN SECTION 24, TOWNSHIP 9 NORTH
RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING A NORTHEAST CORNER OF LOT 27 LT., SAID POINT BEING THE TRUE
POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES
03 MINUTES 17 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 27 LT., AND
SAID LOT 28 LT., A DISTANCE OF 1274.72' TO THE NORTHEAST CORNER OF SAID
LOT 29 LT.; THENCE SOUTH 00 DEGREES 38 MINUTES 43 SECONDS WEST, ALONG
AN EAST LINE OF SAID LOT 29 LT., A DISTANCE OF 818.98' TO AN EAST CORNER OF
SAID LOT 29 LT.; THENCE SOUTH 00 DEGREES 03 MINUTES 17 SECONDS EAST,
ALONG AN EAST LINE OF SAID LOT 29 LT., A DISTANCE OF 508.12' TO THE
NORTHEAST CORNER OF SAID LOT 30 LT.; THENCE SOUTH 00 DEGREES 00
MINUTES 42 SECONDS EAST, ALONG AN EAST LINE OF SAID LOT 30 LT., A
DISTANCE OF 293.88' TO A POINT OF DEFLECTION; THENCE SOUTH 00 DEGREES 50
MINUTES 02 SECONDS EAST, ALONG AN EAST LINE OF SAID LOT 30 LT., A
DISTANCE OF 696.92' TO A POINT; THENCE NORTH 89 DEGREES 59 MINUTES 18
SECONDS EAST, ALONG A NORTH LINE OF SAID LOT 30 LT., A DISTANCE OF 17.00';
TO A POINT; THENCE SOUTH 00 DEGREES 00 MINUTES 42 SECONDS EAST, ALONG
AN EAST LINE OF SAID LOT 30 LT., A DISTANCE OF 300.00' TO A POINT; THENCE
SOUTH 89 DEGREES 59 MINUTES 18 SECONDS WEST, ALONG A SOUTH LINE OF
SAID LOT 30 LT., A DISTANCE OF 17.00' TO A POINT; THENCE SOUTH 00 DEGREES 00
MINUTES 42 SECONDS EAST, ALONG AN EAST LINE OF SAID LOT 30 LT., A
DISTANCE OF 1353.12' TO THE SOUTHEAST CORNER OF SAID LOT 30 LT.; THENCE
NORTH 89 DEGREES 38 MINUTES 49 SECONDS WEST, ALONG THE SOUTH LINE OF
SAID LOTS 30 LT. AND 9 LT., A DISTANCE OF 2020.16' TO THE SOUTHWEST
CORNER OF SAID LOT 9 LT.; THENCE NORTH 28 DEGREES 36 MINUTES 46
SECONDS WEST ALONG THE WEST LINES OF LOTS 9 LT., 18 LT., 14 LT., 18 LT., 24
LT., 21 LT., AND LOT 62 LT., A DISTANCE OF 8604.66' TO A WEST CORNER OF SAID
LOT 62 LT.; THENCE NORTH 00 DEGREES 10 MINUTES 31 SECONDS WEST ALONG A
WEST LINE OF SAID LOT 62 LT., A DISTANCE OF 64.78' TO THE NORTHWEST

CORNER OF SAID LOT 62 LT.; THENCE NORTH 89 DEGREES 49 MINUTES 23
SECONDS EAST, ALONG A NORTH LINE OF SAID LOT 62 LT., A DISTANCE OF 117.27'
TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A
RADIUS OF 350.00', ARC LENGTH OF 274.81', DELTA ANGLE OF 44 DEGREES 57
MINUTES 15 SECONDS A CHORD BEARING OF SOUTH 87 DEGREES 42 MINUTES 00
SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 62 LT., AND A CHORD
LENGTH OF 267.62' TO A POINT OF TANGENCY; THENCE SOUTH 45 DEGREES 13
MINUTES 22 SECONDS EAST, ALONG A NORTH LINE OF SAID LOT 62 LT., A
DISTANCE OF 348.97' TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO
THE LEFT HAVING A RADIUS OF 898.83', ARC LENGTH OF 697.04', DELTA ANGLE OF
44 DEGREES 25 MINUTES 57 SECONDS, A CHORD BEARING OF SOUTH 87 DEGREES
24 MINUTES 02 SECONDS EAST ALONG A NORTH LINE OF SAID LOTS 62 LT. AND 21
LT., AND A CHORD LENGTH OF 679.70' TO A POINT OF TANGENCY; THENCE SOUTH
89 DEGREES 39 MINUTES 00 SECONDS EAST, ALONG A NORTH LINE OF SAID LOT
21 LT., A DISTANCE OF 43.29' TO THE NORTHEAST CORNER OF SAID LOT 21 LT.;
THENCE NORTH 79 DEGREES 07 MINUTES 00 SECONDS EAST, ALONG A NORTH
LINE OF SAID LOT 1 LT., A DISTANCE OF 87.27' TO A POINT OF DEFLECTION;
THENCE SOUTH 89 DEGREES 39 MINUTES 00 SECONDS EAST, ALONG A NORTH
LINE OF SAID LOT 1 LT., A DISTANCE OF 1229.81' TO THE NORTHEAST CORNER OF
SAID LOT 1 LT.; THENCE NORTH 00 DEGREES 01 MINUTES 45 SECONDS WEST
ALONG THE WEST LINE OF SAID LOT 28 LT., A DISTANCE OF 33.00' TO THE NORTH
CORNER OF SAID SECTION 25; THENCE SOUTH 89 DEGREES 38 MINUTES 45
SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 28 LT., A DISTANCE OF
1287.04' TO A NORTHEAST CORNER OF SAID LOT 28 LT.; THENCE SOUTH 00
DEGREES 01 MINUTES 45 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 28
LT., A DISTANCE OF 33.00' TO THE NORTHWEST CORNER OF SAID LOT 27 LT.;
THENCE SOUTH 89 DEGREES 38 MINUTES 45 SECONDS EAST ALONG THE NORTH
LINE OF SAID LOT 27 LT., A DISTANCE OF 1144.28' TO A NORTHEAST CORNER OF
SAID LOT 27 LT.; THENCE SOUTH 00 DEGREES 21 MINUTES 15 SECONDS WEST,
ALONG A EAST LINE OF SAID LOT 27 LT., A DISTANCE OF 17.00' TO A NORTH
CORNER OF SAID LOT 27 LT.; THENCE SOUTH 89 DEGREES 38 MINUTES 45
SECONDS EAST, ALONG A NORTH LINE OF SAID LOT 27 LT., A DISTANCE OF 150.00'
TO A NORTHEAST CORNER OF SAID LOT 27 LT., SAID POINT BEING THE TRUE
POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 18,383,764.39 SQUARE FEET OR
422.04 ACRES MORE OR LESS.

F:\Projects\950444\DOC\LEGAL59.TXT
January 20, 1999

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED THE BOUNDARY OF THE
ABOVE PRELIMINARY PLAT AND THAT PERMANENT MONUMENTS HAVE BEEN
PLACED OR FOUND AT ALL BOUNDARY CORNERS.

9/19/02

Arnold L. Kant

APPROVAL

THE FOREGOING SPECIAL PERMIT WAS APPROVED BY THE CITY COUNCIL
RESOLUTION # _____ ON THIS _____ DAY OF _____ 20____

ATTEST: _____

